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2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 Kevin Richardson,

7 Plaintiff,

8 v.

9 State of Nevada,

10 Defendant.

Case No. 2:24-cv-01380-CDS-DJA

Order

11 This matter is before the Court on Plaintiff's submission of a \$5 payment to the Court and
12 requesting a copy of the form petition for writ of habeas corpus under 28 U.S.C. § 2254. (ECF
13 Nos. 16, 17). It appears that Plaintiff is attempting to pursue this case as one for habeas corpus
14 relief. However, Plaintiff initiated this case not with a petition for writ of habeas corpus, but with
15 what appeared to be a civil complaint. (ECF No. 1). So, the Court ordered Plaintiff to either file
16 an application to proceed without paying the \$405 filing fee for a civil case or to pay that filing
17 fee. Plaintiff did not timely do either, so the Court recommended dismissal of this action. (ECF
18 No. 14).

19 Shortly after the Court entered that recommendation, Plaintiff submitted a \$5 payment to
20 the Court. The purpose of the payment listed on that receipt is "writ of habeas corpus." (ECF
21 No. 16). It appears that Plaintiff is attempting to bring a habeas corpus action. However, if
22 Plaintiff wishes to bring a habeas corpus action, he may not file his petition in this existing civil
23 case. He must file a new habeas corpus case.

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25 **IT IS THEREFORE ORDERED** that the Clerk of Court is kindly directed to **return**
26 Plaintiff's \$5 payment.

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1 **IT IS FURTHER ORDERED** that, if Plaintiff wishes to pursue a habeas corpus petition,
2 he must file a new case to do so. He may not file his petition or his habeas corpus filing fee into
3 this, existing case.

4
5 DATED: November 6, 2024

A handwritten signature in blue ink, appearing to read 'D. Albregts', is written over a horizontal line.

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE